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10/519,108	12/23/2004	Koji Igarashi	Q85461	9442

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PANDYA, SUNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The examiner acknowledges the amendments made to claims 1, 7-9. No new claims have been added. Claims 1-9 are pending in the instant application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/08/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-10 are rejected under 35 USC 102(b) as being anticipated by Osamu et al [EP 1145748 A2].

In Regard to claim 1, with reference to Figure 1, Osamu et al. discloses the claimed invention including:

• Game apparatus [0001].

• Plural game data storage means [18 in Figure 1] and [line 3 of 0005].

Regarding to "means for plural data storage is mentioned to be ROM cartridge in

specification on page 8 of application", this limitation meets the three-prong test per

MPEP 2181 and there by invokes 35 USC 112 6th paragraph. Osamu et al. with

reference to Figure 1, also discloses ROM Cartridge [12]. Osamu et al. is considered to

be an equivalent to applicant's means for plural game data storage means because it

performs the same function in substantially the same way and produces substantially

the same result as the corresponding element in applicant's specification.

• Replication source determination means for determining replication source game data

storage means among the plural game data storage means [lines 11-19 of 0005] and

[0010]. Osamu et al. has mentioned two item exchange tables which include

exchangeable items. In view of examiner, one of these item exchange table is source

memory while the other is target memory because an item is taken from one table and

stored in the other. Regarding to "means for replication source determination" is

mentioned to be game program stored in the ROM cartridge 12 and executed by

portable game machine in lines 3-7 on page 11 of application, this limitation meets the

three-prong test per MPEP 2181 and there by invokes 35 USC 112 6th paragraph.

Osamu et al., with reference to Figure 1, also discloses portable game device, game

program [0020] and ROM Cartridge [12]. Osamu et al. is considered to be an

equivalent to applicant's replication source determination means because it performs

the same function in substantially the same way and produces substantially the same

result as the corresponding element in applicant's specification.

• Replication target determination means for determining replication target game data storage means among the plural game data storage means [lines 11-19 of 0005] and [0006]. In view of examiner, one of these item exchange table is source memory while the other is target memory because an item is taken from one table and stored in the other. Regarding to "means for replication target determination" is mentioned to be game program in the ROM cartridge 12 and executed by portable game machine in lines 3-7 on page 11 of application, this limitation meets the three-prong test per MPEP 2181 and there by invokes 35 USC 112 6th paragraph. Osamu et al. with reference to Figure 1, also discloses portable game device, game program [0020] and ROM Cartridge [12]. Osamu et al. is considered to be an equivalent to applicant's replication target determination means because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification.

• Replication means for storing game data into the replication target game data storage means [lines 1-7 of column 2]. Osamu et al. clearly mentions storing an item in exchange to another item in game item storage means in aforementioned lines. Regarding to "means for replication" is mentioned to be game program in the ROM cartridge 12 and executed by portable game machine in lines 3-7 on page 11 of application, this limitation meets the three-prong test per MPEP 2181 and there by invokes 35 USC 112 6th paragraph. Osamu et al. with reference to Figure 1, also discloses portable game device, game program [0020] and ROM Cartridge [12].

Osamu et al. is considered to be an equivalent to applicant's replication means because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification.

• Link data storage means to correlate two game data storage means with each other [lines 36-41 of column 6]. Regarding to "means for link data storage" is mentioned to be game program in the ROM cartridge 12 and executed by portable game machine in lines 3-7 on page 11 of application, this limitation meets the three-prong test per MPEP 2181 and there by invokes 35 USC 112 6th paragraph. Osamu et al. with reference to Figure 1, also discloses portable game device, game program [0020] and ROM Cartridge [12 in Figure 1]. Osamu et al. is considered to be an equivalent to applicant's link data storage means because it performs the same function in substantially the same way and produces substantially the same result as the corresponding element in applicant's specification.

•Each of the plural game data storage means stores original item data relating to an original item data relating to an original item and replica item data relating to a replica item [0005] and,

• Replication mean stores the game data into the replication target game data storage means, wherein the original items data and replication game data are stored without change [0004-0006, wherein Osamu discloses allowing the storage medium to store all of the game data without initially modifying it], on the basis of the game data stored in the replication source game data storage means so that a sum of the number of original item relating to the original item data stored in the replication source game

data storage means and the number of replica items relating to the replica item data

stored in the replication source game data storage means become the number or

replica items relating to the replica item data stored in the replication target game data

storage means[lines 6-10 of column 4]. Osamu et al. discloses counting means to keep

track of exchange items [lines 6-10 of column 4]. In view of examiner, this counting

means could have been also understood to keep count of number of copies relative to

source game data storage means and thus used to keep count of sum of number of

original item relating to the original item data stored in the replication source game data

storage means and the number of replica items relating to the replica item data stored in

the replication source game data storage means become the number of replica items

relating to the replica item data stored in the replication target game data storage

means. It also stores the link data to correlate the replication target game data storage

means with the replication source game data storage means into the link data storage

means [lines 36-41 of column 6].

In Regard to claim 5, Game apparatus, Plural game data storage means and link

data storage means have already been discussed about in rejection of claim 1. Osamu

et al. teaches a game apparatus [0001] comprising plural game data storage means [18

in Figure 1] and [line 3 of 0005]. It further comprises link data storage means

comprising of part of each of the plural game data storage means [lines 36-41 of column

6].

In Regard to claim 6, Game apparatus, Plural game data storage means and link

data storage means have already been discussed about in rejection of claim 1. Osamu

et al., with reference to figure 1, teaches a game apparatus [0001] wherein the link data

storage means [lines 36-41 of column 6] and the plural game data storage means are

comprising of one or plural memories ([18 in Figure 1] and [line 3 of 0005]) and a

storage area relating to the link data storage means and a storage area relating to the

plural game data storage means are separately provided in one or plural memories

[lines 43-54 of column 2].

In Regard to claim 7, All limitations of claim 7 have been rejected in rejection of

claim 1 above except a program to cause a computer to function. Osamu et al.

discloses information storage medium in lines 8-9 of column 1 and lines 25-29 of

column 2. Osamu et al. also discloses game program [lines7-9 of column 5 and lines

37-41 of column 9] that meets all the limitation of this claim as discussed above.

Therefore, in view of the examiner, it is equivalent to the claim 7 of applicant.

In Regard to claim 8, All limitations of claim 8 have been rejected in rejection of

claim 1 above except a control method of a game apparatus. A game program [lines7-

9 of column 5 and lines 37-41 of column 9] inherently has a control method. Osamu et

al. also discloses a control method [line 8 of column 1] that meets all the limitations of

this claim as discussed above. Therefore, in view of the examiner, invention of Osamu

et al. is equivalent to this claim.

In Regard to claim 9, All limitations of claim 9 have been rejected in rejections of

claims 1, 7 and 10 except a program delivery apparatus comprising an information

storage medium storing a game program. Osamu et al. inherently has a program

delivery apparatus for it also has the method of exchanging items, using communication

[lines 3-9 of column 5]. In view of examiner, due to aforementioned reason Osamu et

al's invention is equivalent to this claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osamu et

al. as applied to claims above in view of Holenstein et al. (US Patent 7,103,586 B2).

In Regard to claim 2, Osamu et al. discloses disposal of an item stored in one of

the plural game data storage means upon instruction, updating the original item data

stored in the game data storage means whose disposal is instructed so that the number

of original item is decreased lines 50-58 of column 8. However, Osamu et al. does not

specifically disclose updating the replica item data stored in another game data storage

means relating to item data stored in another game data storage means relating to a

replica item as a direct or indirect replica of the original item so that the number of

replica item is decreased. Holenstein et al., an analogous art, teaches a database

replication system where he discloses instruction such as insert, update and delete

[lines 26-36 of column 9]. He further discloses mutually dependent databases and

further updating databases relative to modifications made to the dependent database [lines 46-49 of column 9]. This modification could be either, insertion, updating or deletion. Furthermore, since the relation between databases is mutual therefore it could be interpreted as modification made to the original relative to replica and vice versa. Therefore it would have been obvious to one of ordinary skills in the art at the time of invention to modify Holenstein's method with Osamu's game device for re- usability of data and to make the device more secure against data loss and easily track copies of the data in the database.

In Regard to claim 3, Osamu et al. with reference to Figure 4, discloses disposal of an item stored in one of the plural game data storage means upon instruction, updating the original item data stored in the game data storage means whose disposal is instructed so that the number of original item is decreased lines 50- 58 of column 8. However, Osamu et al. does not explicitly disclose disposal of a replica item relating to the replica item data stored in one of the plural game data storage means, updating the original data stored in one of other game data storage means as a direct or indirect replication source of the game data storage means whose disposal is instructed so that the original item is decreased and updating the replica item data stored in another game data storage means relating to replica item as a direct or indirect replica of the decreased original item so that the replica item is decreased. Holenstein et al., an analogous art, teaches a database replication system where he discloses instruction such as insert, update and delete [lines 26-36 of column 9] and mutually dependent databases and further updating databases relative to modifications made to the

dependent database [lines 46-49 of column 9]. This modification could be insertion, updating or deletion. Furthermore, since the relation between databases is mutual therefore it could be interpreted as modification made to the original relative to replica and vice versa. Therefore it would have been obvious to one of ordinary skills in the art at the time of invention to modify Holenstein's method with Osamu's game device for re-usability of data and to make the device more secure against data loss and easily track copies of the data in the database.

In Regard to claim 4, Osamu et al., with reference to Figure 4, discloses disposal of an item stored in one of the plural game data storage means upon instruction, updating the original item data stored in the game data storage means whose disposal is instructed so that the number of original item is decreased lines 50- 58 of column 8. However, Osamu et al. does not explicitly disclose updating of a replica item data stored in one of the game data storage means as direct or indirect replication targets of the game data storage means whose deletion is instructed so that replica items, equal in number to the number of original items relating to the original item data stored in the game data storage means whose is instructed are changed or original items, changing link data, which is stored in the link data storage means and correlates the game data storage means whose deletion is instructed with the game data storage means as the replication target of the game data storage means, to link data to correlate the game data storage means as the replication target of the game data storage means whose deletion is instructed with said one of the game data storage means and deleting the game data storage means whose deletion is instructed. Correlation of game data

storage means has also been talked about above and explicitly mentioned in lines 36-41 of column 6 of Osamu et al.'s invention. Holenstein et al. teaches a database replication system where he discloses instruction such as insert, update and delete [lines 26-36 of column 9] and mutually dependent databases and further updating databases relative to modifications made to one of the dependent database [lines 46-49 of column 9]. This modification could be either insertion, updating or deletion. Furthermore, since the relation between databases is mutual therefore it could be interpreted as modification made to the original relative to replica and vice versa. It also means that in case of such traverse effect, it would have been obvious to update correlation link between these two databases as direct impact of deletion. Therefore it would have been obvious to one of ordinary skills in the art at the time of invention to modify Holenstein's method with Osamu's game device for re-usability of data and to make the device more secure against data loss and easily track copies of the data in the database.

Response to Arguments

Applicant's arguments filed 8/8/08 have been fully considered but they are not persuasive.

With regards to applicant's arguments based on the claim amendments submitted by the applicant on 8/8/08, the examiner refers the applicant to the rejection above, which has been updated to reflect the claim amendments.

Consequently the rejection is still maintained.

Examiner has cited particular paragraphs or columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeru Takeda (JP02002035421 A) discloses game device, control method for game machine, information storage medium, and device and method for distributing program. Kentaro Nagashima (JP02002073043 A) teaches a method of providing media player for reproducing and outputting audio data and visual data which changes selection into other pieces of music and video automatically so as not to view and listen a piece of music or video previously viewed and listened once again. Negishi et al (U.S. Pat. No. 6,571,278 B1) discloses computer data sharing system and method for maintaining replica consistency. Moser et al (U.S. Pat. No. 6,360,363 B1) teaches of live upgrade process for object oriented programs. Breltbart et al (U.S. Pat. No. 6,963,914 B1) discloses method and apparatus for retrieving a network file using a

logical reference. Lomet (U.S. Pat. No. 5,806,065) discloses a data system with

distributed tree indexes and method for maintaining the indexes. Benson (U.S. Pat. No.

5,799,321) discloses replicating deletion information using sets of deleted record I DS.

Norin et al (U.S. Pat. No. 5,787,247) teaches of replica administration without data loss

in a store and forward replication enterprise. Sugimura (U.S. Pat. No. 6,582,311 B1)

discloses a memory card device, video game apparatus, and program providing

medium. Miyamoto et al (U.S. Pat. No. 6,220,964 B1) discloses a game system

operable with backup data on different type of game machine. Ito (U.S. Pat. No.

6,302,795 B1) discloses data processing system, method and apparatus to control the

execution of a downloaded program depending on a usage time limit when a sub

program downloaded from a video game machine is stored in the storage device.

Goldring et al (U.S. Pat. No. 6,397,125 B1) teaches a method of and apparatus for

performing design synchronization in a computer system. Kitano et al (U.S. Pat. No.

6,659,873 B1) discloses game system, game device capable of being used in the game

system and computer readable memory medium. Yamamoto et al (U.S. Pat. No.

6,674,438 B1) teaches method of and system for adding information and recording

medium. Taho et al (U.S. Pat. No. 6,955,606 B2) discloses game information storage

medium and game system using the same. Bourbonnais et al (U.S. Pat. No. 7,076,508

B2) teaches a method, system and program for merging log entries from multiple

recovery log files.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUNIT PANDYA whose telephone number is (571)272-2823. The examiner can normally be reached on M-F 8 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

/Scott E. Jones/
Primary Examiner, Art Unit 3714